

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 2422 OF 2015

Sundari

.. Petitioner

- Vs -

1. The State of Tamil Nadu
rep. by its Secretary
Department of Home
Fort St. George
Chennai 600 009.

2. The Superintendent of
Central Prison
Puzhal, Chennai 600 066.

.. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the detenu K.Babu @ Kumar, son of Kannabiran, now confined at Central Prison, Puzhal, Chennai 600 066 before this Court and set him at liberty.

For Petitioner : Mr. R.Sankarasubbu

For Respondents : Mr. A.N.Thambidurai, APP

ORDER
(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner for a direction to the respondents to produce the detenu K.Babu @ Kumar, son of Kannabiran, now confined at Central Prison, Puzhal, Chennai 600 066 before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondents.

3. It is the case of the petitioner that her husband Babu @ Kumar, life convict No.1205, now confined at Central Prison, Puzhal, Chennai. The detenu is suffering from chronic ailment for which treatment was provided to him. After completion of a

period of eight years of incarceration, the detenu submitted a representation dated 25.9.08 to the respondents, but till date no orders have been passed on the said representation. As on date the detenu has completed 14 years of imprisonment and, therefore, entitled for premature release as per norms. Therefore, the petitioner submitted a representation to the respondent on 21.9.15, but no orders have been passed on the same till date. Hence, the petitioner has filed the present petition.

4. On the above stated facts, this Court is of the considered opinion that a writ of habeas corpus cannot be issued. Accordingly, this petition stands closed giving liberty to the petitioner to submit a representation, through the jail authorities to the first respondent seeking release of the detenu from the jail and on receipt of the said representation, the same shall be considered by the first respondent on merits and in accordance with law as expeditiously as possible.

sd/-

Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

GLN

To

1. The Secretary to Government
Government of Tamil Nadu
Department of Home
Fort St. George
Chennai 600 009.

2. The Superintendent of
Central Prison
Puzhal, Chennai 600 066.

3. The Public Prosecutor
High Court, Madras.

+1 CC to MR.R.Sankarasubbu Advocate. SR.NO.925

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CO-ppa
JD 27/01/2016